



07-09-07

PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

| | |
|----------------------|--------------------|
| Application Number | 10/765,820 |
| Filing Date | January 27, 2004 |
| First Named Inventor | Vijay Bahel et al. |
| Art Unit | 2123 |
| Examiner Name | Dwin M. Craig |

Attorney Docket Number 0315-000555

ENCLOSURES (check all that apply)

| | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to Technology Center (TC) |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | Form 1449; 1 Foreign Reference; 13 Other References; Return Receipt Postcard |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

Remarks

The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Harness, Dickey & Pierce, P.L.C.

Signature

Printed name Michael Malinzak/Michael P. Doerr

Date July 6, 2007 Reg. No. 43,770/52,825

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

| | | | |
|-----------------------|-----------------------------------|------------------------|------------------------------|
| Typed or printed name | Michael Malinzak/Michael P. Doerr | Express Mail Label No. | EV 755 418 762 US (7/6/2007) |
| Signature | | Date | 43,770/52,825 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EV 755 418 762 US



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FEE TRANSMITTAL for FY 2007

Effective 2/8/2006. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180)

| Complete if Known | |
|----------------------|--------------------|
| Application Number | 10/765,820 |
| Filing Date | January 27, 2004 |
| First Named Inventor | Vijay Bahel et al. |
| Examiner Name | Dwin M. Craig |
| Art Unit | 2123 |
| Attorney Docket No. | 0315-000555 |

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Other None
Order

Deposit Account:

Deposit Account Number

Deposit Account Name

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|-----------------------------------|----------|----------|----------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 120 | 2251 | 60 | Extension for reply within first month | |
| 1252 | 450 | 2252 | 225 | Extension for reply within second month | |
| 1253 | 1020 | 2253 | 510 | Extension for reply within third month | |
| 1254 | 1,590 | 2254 | 795 | Extension for reply within fourth month | |
| 1255 | 2,160 | 2255 | 1080 | Extension for reply within fifth month | |
| 1401 | 500 | 2401 | 250 | Notice of Appeal | |
| 1402 | 500 | 2402 | 250 | Filing a brief in support of an appeal | |
| 1403 | 1000 | 2403 | 500 | Request for oral hearing | |
| 1452 | 500 | 2452 | 250 | Petition to revive - unavoidable | |
| 1453 | 1500 | 2453 | 750 | Petition to revive - unintentional | |
| 1462 | 400 | 1462 | 400 | Petition fee under 37 CFR 1.17(f) | |
| 1463 | 200 | 1463 | 200 | Petition fee under 37 CFR 1.17(g) | |
| 1464 | 130 | 1464 | 130 | Petition fee under 37 CFR 1.17(h) | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17 (q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | 180 |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 790 | 2809 | 395 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 790 | 2810 | 395 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 790 | 2801 | 395 | Request for Continued Examination (RCE) | |
| Other fee (specify) _____ | | | | | |
| *Reduced by Basic Filing Fee Paid | | | | SUBTOTAL (3) | (\$180) |

4. SEARCH/EXAMINATION FEES

| | | | | | |
|--------------|-----|------|-----|-------------------------|--|
| 1111 | 500 | 2111 | 250 | Utility Search Fee | |
| 1112 | 100 | 2112 | 50 | Design Search Fee | |
| 1113 | 300 | 2113 | 150 | Plant Search Fee | |
| 1114 | 500 | 2114 | 250 | Reissue Search Fee | |
| 1311 | 200 | 2311 | 100 | Utility Examination Fee | |
| 1312 | 130 | 2312 | 65 | Design Examination Fee | |
| 1313 | 160 | 2313 | 80 | Plant Examination Fee | |
| 1314 | 600 | 2314 | 300 | Reissue Examination Fee | |
| SUBTOTAL (4) | | | | (\$0) | |

*or number previously paid, if greater; For Reissues, see above

| SUBMITTED BY | | Complete (if applicable) | | | |
|-------------------|-------------------------------------|--------------------------------------|---------------|--------------|----------------|
| Name (Print/Type) | Michael Malinzak Michael F. Doer | Registration No. (Attorney/Agent) | 43,770/52,825 | Telephone | (248) 641-1600 |
| Signature | | | Date | July 6, 2007 | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Application No.: 10/765,820

Filing Date: January 27, 2004

Applicant: Vijay Bahel, et al.

Group Art Unit: 2123

Examiner: Dwin M. Craig 07/10/2007 CNEGA1 00000014 000750 10765820

01 FC:1806 180.00 DA

Title: COOLING SYSTEM DESIGN SIMULATOR

Attorney Docket: 0315-000555

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. **LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION**

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. **COPIES**

A. Submitted herewith is a legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office; (iii) each unpublished U.S. application listed below in Section IV (i.e., including the specification, claims, and any drawing of the application, or that portion of the application which caused it to be listed, including any claims directed to that portion), except for such applications filed on or after June 30, 2003, pursuant to the Waiver of the Copy Requirement in 37 C.F.R. 1.98 (OG Notice dated October 19, 2004); and (iv) all other information or that portion which caused it to be listed.

B. Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C. This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search report are listed on the attached Form 1449 for consideration by the Examiner and for listing on any patent resulting from this application. If the International Search report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g).)

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. See the attached foreign patent office communication from a counterpart foreign application:

Notice of Opposition to European Patent Application No. 03252757.4 and Exhibits E3 and E5 to E8 listed on Form 1449, submitted herewith, and explained in further detail below.

2. English translations are provided: for the Notice of Opposition to European Patent Application No. 032527574, listed as "Other Documents" 12 on Form 1449, and for the documents listed as "Other Documents" 3 and 5 to 8 on Form 1449 which were attached as E3 and E5 to E8, respectively, to the Notice of Opposition to European Patent Application No. 03252757.4.

3. Other:

C. The following additional information is provided for the Examiner's consideration.

| <u>Document No.</u> | <u>Explanation</u> |
|---------------------|--|
| 1 | These documents, described as a user manual, a CD cover, and a copy of a CD for "rs+ program version 1.0.," were attached as E1 to the Notice of Opposition to European Patent Application No. 03252757.4. |
| 2 | These documents, described as a "Blue World" Newsletter No. 6 of August 1998, were attached as E2 to the Notice of Opposition to European Patent Application No. 03252757.4. |
| 3 | These documents, described as screen-shots, were attached as E3 to the Notice of Opposition to European Patent Application No. 03252757.4. |
| 4 | These documents, described as a copy of the User Manual for rs+ program, version 2.0, were attached as E4 to the Notice of Opposition to European Patent Application No. 03252757.4. |
| 5 | These documents, described as a Danfoss invitation to take part in a competition, were attached as E5 to the Notice of Opposition to European Patent Application No. 03252757.4. |
| 6 | This document, described as a certificate to winner, was attached as E6 to the Notice of Opposition to European Patent Application No. 03252757.4. |
| 7 | This document, described as a letter of confirmation of April 2, 2002, was attached as E7 to the Notice of Opposition to European Patent Application No. 03252757.4. |
| 8 | This document, described as a hotel reservation dated April 12, 2002, was attached as E8 to the Notice of Opposition to European Patent Application No. 03252757.4. |
| 9 | This document, described as a printed company document entitled "Performer Scroll Compressors," was attached as E9 to the Notice of Opposition to European Patent Application No. 03252757.4. |

10 These documents, described as a description of a controller known by the name "ADAP-KOOL," were attached as E10 to the Notice of Opposition to European Patent Application No. 03252757.4.

11 These documents, described as a cover page and pages 3 - 5 of a manual for system software for an "ADAP-KOOL" controller, were attached as E11 to the Notice of Opposition to European Patent Application No. 03252757.4.

12 Notice of Opposition to European Patent Application No. 03252757.4, dated September 26, 2005.

13 Response to Notice of Opposition to European Patent Application No. 03252757.4, dated May 24, 2007.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does (do) not waive the confidentiality provisions of 35 U.S.C. § 122.

| <u>Serial No.</u> | <u>Filing Date</u> | <u>Inventor(s)</u> |
|-------------------|--------------------|---------------------|
| 11/043,805 | 1/26/2005 | Michael A. Saunders |
| 11/414,745 | 4/28/2006 | Vijay Bahel et al. |

V. THIS IDS IS BEING FILED UNDER

A. **37 C.F.R. § 1.97(b): (check only one box)**

1. within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.
2. within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.
3. before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. §

1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4. before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. **37 C.F.R. § 1.97(c):** (check only one box)

before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2. See the certification below. No fee is required.

C. **37 C.F.R. § 1.97(d):**

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. **CERTIFICATION UNDER 37 C.F.R. § 1.97(e):** (check only one box)

The undersigned hereby certifies that:

A. each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. 1.704(d) below in section VII, if applicable; or

B. no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 C.F.R. 1.704(d)

The undersigned hereby states that:

each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box, if applicable)

A. A check in the amount of \$180.00 is enclosed for the above-identified fee.

B. Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-identified fee. A duplicate copy of this paper is attached.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Respectfully submitted,

Dated: July 6, 2007

By:


Michael Malinzak

Reg. No. 43,770

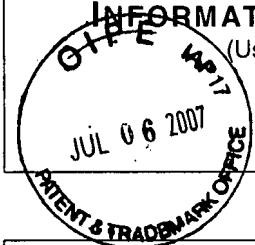
Michael P. Doerr

Reg. No. 52,825

Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MM/MPD/mmk

| | | | |
|--|--|---------------------|------------|
| FORM HDP-1449 (Based on Form PTO-1449) | | ATTORNEY DOCKET NO. | SERIAL NO. |
| | | 0315-000555 | 10/765,820 |
| | | APPLICANT | |
| | | Vijay Bahel et al. | |
| | | FILING DATE | GROUP |
| | | 1/27/2004 | 2123 |



**PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

Sheet 1 of 1

| U.S. PATENT DOCUMENTS | | | | | | |
|------------------------------|---------------------|-----------------|------|------|-----------------|------------------------------|
| Ref. Desig. | Examiner's Initials | Document Number | Date | Name | Class/ Subclass | (If appropriate) Filing Date |
| 1. | | | | | | |

| FOREIGN PATENT DOCUMENTS | | | | | | |
|---------------------------------|---------------------|-----------------|----------|---------|-----------------|--------------------|
| Ref. Desig. | Examiner's Initials | Document Number | Date | Country | Class/ Subclass | Translation Yes No |
| 1. | | EP 1 406 014 A2 | 4/7/2004 | EP | | |

| OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.) | | |
|---|---------------------|---|
| Ref. Desig. | Examiner's Initials | |
| 1. | | rs+ program Version 1.0; Author and Date not available. |
| 2. | | Blue World Newsletter; Date: August 1998; Author not available. |
| 3. | | Screen shots; Author and Date not available. |
| 4. | | rs+ program Version 2.0; Author and Date not available. |
| 5. | | rs+ Version 2 Testen und gewinnen mit Danfoss; Author and Date not available. |
| 6. | | Danfoss Zertifikat; Author and Date not available. |
| 7. | | Letter from Ulrike Sieger-Koser to Herr Ridder dated April 2, 2002. |
| 8. | | Fax from Sabine Dorsam to Hotel Steigenberger dated April 12, 2002. |
| 9. | | Performer Scroll Compressors; Author and date not available. |
| 10. | | Adap-Kool; Date: 04-1989; Author not available. |
| 11. | | System Software type AKM; Date: 5-1992; Author not available. |
| 12. | | Notice of Opposition to European Patent Application No. 03252757.4, dated September 26, 2006. |

| | |
|-----------|------------------|
| Examiner: | Date Considered: |
|-----------|------------------|

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM HDP-1449 (Based on Form PTO-1449)

PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Sheet 2 of 2

| | |
|---------------------|------------|
| ATTORNEY DOCKET NO. | SERIAL NO. |
| 0315-000555 | 10/765,820 |
| APPLICANT | |
| Vijay Bahel et al. | |
| FILING DATE | GROUP |
| 1/27/2004 | 2123 |

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

| Ref. Desig. | Examiner's Initials | |
|-------------|---------------------|---|
| 13. | | Response to Notice of Opposition to European Patent Application No. 03252757.4, dated May 24, 2007. |

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.